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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/550,963 | 04/17/2000 | Mark McCulloch | 41400-00002 | 1825 |
| 20322 | 7590 | 01/08/2004 | EXAMINER | |
| | | | DIXON, THOMAS A | |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 3629 |

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------|---------------------|
| Office Action Summary | Applicant No. | Applicant(s) |
| | 09/550,963 | MCCULLOCH, MARK |
| | Examiner | Art Unit |
| | Thomas A. Dixon | 3629 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-34 is/are allowed.
- 6) Claim(s) 35-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. The request filed on 09/15/03 for Continued Examination (RCE) based on parent Application No. 09/550963 is acceptable and an RCE has been established. An action on the RCE follows.
2. The rejections of the previous office action are withdrawn in view of applicant's amendments.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 35, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Webber et al (5,021,953).

As per Claim 35.

Webber et al ('953) discloses:

receiving from a client computer, an activity indicator, see column 7, lines 17-25; developing, at a host computer, a proposed transportation plan corresponding to the received activity indicator, wherein the proposed transportation plan includes computing an optimal arrival time from the activity indicator and the transportation origin, see (from Laguardia, arrive no later than 9pm, and column 7, line 53 – column 9, line 6;

receiving from the client computer an indication of the proposed transportation plan, see figure 1 (10, 14, 18) and column 15, lines 35-42;

receiving from the client computer, an indication of approval of the proposed transportation plan, see column 15, line 41-42 and column 16, lines 43-46;

responsive to receiving the indication of approval, arranging transportation according to the transportation plan, see column 16, lines 47-66.

As per Claim 37.

Webber et al ('953) discloses:

the activity indicator includes a plurality of transportation parameters and wherein the step of developing a proposed transportation plan includes developing, at the host computer, a proposed transportation plan corresponding to the received plurality of transportation parameters, see column 7, lines 17-25 and column 16, lines 47-66.

Claim Rejections - 35 USC § 103

Art Unit: 3629

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (5,021,953) in view of Treyz (6,526,335).

As per Claim 36.

Webber et al ('953) discloses a PC or terminal, see figure 1, (10 and 12) communicating to the host, but does not specifically disclose a personal information manager.

Treyz et al ('335) teaches the equivalence of notebook computers, laptop computers and handheld computing devices (which are seen to be personal information managers), see figure 13 (298).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to communicate to the host with a handheld computing device in the invention of Webber et al as taught by Treyz et al as an obvious equivalent device.

Allowable Subject Matter

5. Claims 1-37 are allowed.

6. The following is an examiner's statement of reasons for allowance:

As per Claims 1, 12, 27, 32.

The prior art of record, specifically Garback ('499) in view of DeLorme et al ('040) further in view of DeMarcken ('808) does not disclose or fairly teach:

computing an optimal arrival time from the activity start time, the activity location and the first airport;

identifying an optimal ground transportation option between the first airport and the activity location; and

providing an optimal trip option for transportation from the origin location to the activity location, wherein the optimal option includes the first identified operating flight and the optimal ground transportation option.

The claims that depend from the above are allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Thomas A. Dixon
Examiner
Art Unit 3629

December 18, 2003